

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:19-cr-0033-JRS-MJD
	)	
MICHAEL CARR,	)	
	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On July 26, 2023, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 13, 2023. Defendant Carr appeared in person with his appointed counsel Dominic Martin. The government appeared by Brad Shepard, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer James Thomas.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Carr of his rights and provided him with a copy of the petition. Defendant Carr orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Carr admitted Violation Numbers 1, and 2. [Docket No. 42.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation  
Number**

**Nature of Noncompliance**

- 1           **“You shall not use or possess any controlled substances prohibited by applicable state of federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner.”**

On October 20, 2020, Michael Carr submitted a urine sample which tested positive for opioids. On December 20, 2022, he submitted urine sample which tested positive for amphetamine. On May 25, 2023, Mr. Carr tested positive for Fentanyl and diluted, and on June 20, 2023, he submitted a urine sample which tested positive for Fentanyl.

- 2           **“You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of the program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The court authorizes the release of the presentence report and available evaluations to the treatment provider, as approved by the probation officer.”**

Michael Carr was referred to substance abuse treatment in January 2023. He rescheduled his intake appointment from February to March 2023. He missed sessions in April, May and June 2023. He was unsuccessfully discharged in July 2023, for failure to attend and communicate with the provider.

4.       The parties stipulated that:
- (a)       The highest grade of violation is a Grade B violation.
  - (b)       Defendant’s criminal history category is II.
  - (c)       The range of imprisonment applicable upon revocation of supervised release, therefore, is 6 to 12 months’ imprisonment.

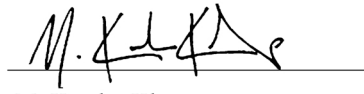
5.       The parties jointly recommended a sentence of 6 months with no supervised release to follow. Defendant requested placement at FPC Terre Haute.

The Magistrate Judge, having considered the relevant factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the

petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 6 months with no supervised release to follow. The Magistrate Judge will make a recommendation of placement at FPC Terre Haute. The Defendant consented to being taken into custody pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 07/27/2023

A handwritten signature in black ink, appearing to read 'M. Klump', is written over a horizontal line.

M. Kendra Klump  
United States Magistrate Judge  
Southern District of Indiana

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